

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,	:	
NO. 03-78, DENNIS MALONEY	:	CASE NO. SC04-22
_____	:	

**STIPULATION**

In this disciplinary proceeding, the Investigative Panel of the Florida Judicial Qualifications Commission and Judge Dennis P. Maloney present the following Stipulation to this Court pursuant to Article V, § 12, *Florida Constitution*, and Rule 6(j) of the Florida Judicial Qualifications Commission Rules, as amended:

1. The aforementioned rule provides that “the Investigative Panel may reach agreement with a judge on discipline or disability, and such stipulation shall be transmitted by it directly to the Supreme Court, to accept, reject or modify in whole or in part.”

2. Judge Maloney admits the conduct alleged in the following portions of the Notice of Formal Charges, a copy of which is attached hereto as Exhibit 1;<sup>1</sup> the impropriety of that conduct; and does not contest said charges:

(1) During the early morning hours of January 10, 2003, Travis Braddy was arrested by an officer of the Lakeland Police Department (“Lakeland Police”) for driving under the influence of alcohol, in violation of section 316.193, *Florida Statutes*. Your son was a passenger in the vehicle operated by Mr. Braddy, although your son was not charged with any offense.

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<sup>1</sup> Pursuant to Rule 6(b) of the Florida Judicial Qualifications Commission Rules, the Investigative Panel previously issued its Notice of Investigation to Judge Maloney on August 5, 2003.

(2) You had a close personal relationship with Mr. Braddy (having known Mr. Braddy and his father for approximately fifteen years), such that your impartiality might reasonably be questioned if Mr. Braddy were to appear before you in formal judicial proceedings.

(3) After picking up your son on the morning in question, you proceeded to contact the Lakeland Police and direct, over the objection of the Lakeland Police, that Mr. Braddy be released to the custody of his father. You did so despite a state law providing that persons arrested for driving under the influence of alcohol may not be released from custody until:

(a) the person is no longer under the influence of alcoholic beverages . . . and affected to the extent that his or her normal faculties are impaired;

(b) the person's blood-alcohol level or breath-alcohol level is less than .05; or

(c) 8 hours have elapsed from the time the person was arrested.

See §316.193(9)(a)-(c), *Florida Statutes*.

(4) Based solely upon your demands, the Lakeland Police released Mr. Braddy to his father on the morning in question, notwithstanding the requirements of §316.193(9)(a)-(c), *Florida Statutes*.

(5) The acts described above . . . were in violation of Canon 1, Canon 2A, and Canon 2B, and occurred at a time when you should have been circumspect in: i) avoiding any impropriety or the appearance of impropriety; and/or ii) engaging in any conduct which might erode public confidence in the integrity and impartiality of the judiciary.

(6) The acts described above . . . would also impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge; would constitute conduct unbecoming a member of the judiciary; and would warrant discipline . . . .

3. Judge Maloney accepts full responsibility for his conduct referenced above and admits that his conduct, albeit well-intentioned, gave rise to an appearance of impropriety and might erode public confidence in the integrity and impartiality of the judiciary.

4. The Investigative Panel and Judge Maloney have reached agreement on what both consider to be appropriate discipline. As a result, the Investigative Panel has filed its Findings and Recommendation of Discipline with this Court ("Findings"), a copy of which is attached hereto as Exhibit 2.

5. Judge Maloney does not contest those Findings, and both the Investigative Panel and Judge Maloney waive oral argument, and with the Court's permission, any further response.

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DATED this \_\_\_\_ day of October, 2004

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***[see additional signatures on  
following page]***

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DATED this \_\_\_\_ day of October, 2004

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Judge Dennis P. Maloney  
Polk County Courthouse  
255 N. Broadway  
Bartow, FL 33831-9000

DATED this \_\_ day of October, 2004